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October 19, 2020

VIA ECF

Hon. Paul A. Engelmayer
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *MDA Manufacturing, Inc. v. Mexichem Fluor Comercial S.A. De C.V.*,
Civil Action No. 20-cv-03835
Plaintiff's Letter Motion to Partially Seal Motion to Dismiss Opposition

Dear Judge Engelmayer:

I write on behalf of Plaintiff MDA Manufacturing, Inc. ("MDA") in the above-captioned action. MDA respectfully requests an Order, similar to the Court's previous Orders (*see* ECF Nos. 1, 8, and 23), granting MDA leave to (i) file under seal the unredacted version of MDA's Memorandum in Opposition to Mexichem Fluor Comercial S.A. De C.V.'s Motion to Dismiss the Amended Complaint (the "Opposition"), and (ii) file a redacted public version of MDA's Opposition. An unredacted version of MDA's Opposition, which highlights in yellow the portions that MDA proposes to redact from the public version, is enclosed herewith.

As noted in our previous letter motions (*see* ECF Nos. 1 and 20), there are two primary reasons for MDA's request to file its Opposition under seal. First, the relevant long-term supply contract (the "Contract") and its terms, which are referenced throughout MDA's Opposition, are subject to a confidentiality obligation. Specifically, Section 12 of the Contract requires both parties to keep the Contract and its terms "strictly confidential." Second, the Contract contains competitively sensitive pricing information, which is necessarily referred to in MDA's Opposition, and public disclosure of that information would cause harm to MDA.

MDA has sought to minimize the redactions to its Opposition, limiting them only to those portions that refer to confidential information. MDA therefore respectfully asks the Court to endorse this letter, and to permit MDA to file an unredacted version of its Opposition and to allow MDA to file publicly the redacted version of that Opposition.

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We appreciate your attention to this matter.

Respectfully submitted,

/s/ Allison L. Waks

Allison L. Waks

cc: Theodore M. Grossman, Esq.
Michael A. Platt, Esq.
Debbie McComas, Esq.
Joseph Lawlow, Esq.

Enclosure

Granted.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

October 20, 2020